IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 03.04.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Appeal No.4021 of 2003
& WAMP No.6616 of 2003

I.Mohammed Imran .. Appellant/Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.
2.C.Krishnalal Jain
3.Amankhan .. Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 24.11.2003 made in W.P.No.27527 of 2003. To issue a writ of mandamus directing the first respondent to forthwith remove the lock and seal at No.iii N. M. K. Street, Ayanavaram, Chennai 23 so as to enable the petitioner to carry on the beef stall pursuant to the licence granted in favour of the petitioner bearing No.A.057050730 dated 13.2.2003.

For Appellant : Mrs.A.Gandhimathi
For 1st Respondent : Mr.Bharathidasan
for 2nd respondent : Mrs.Hemalatha

JUDGMENT

(Judgment of the Court was delivered by P. SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 24.11.2003 made in W.P.No.27527 of 2003, in and by which, the learned Judge, after finding no merit in the claim made by the petitioner, dismissed the writ petition.

2. Heard the learned counsel for the appellant as well as the first respondent. The learned counsel, who entered appearance for the second respondent reports no instructions. Nobody appears for the third respondent.

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3. Pursuant to the direction of this Court, the first respondent-the Assistant Health Officer, Zone-IV, Corporation of Chennai, has filed a report dated 26.03.2007. In the report it is stated by the Assistant Health Officer that the appellant has violated the conditions prescribed in Sections 309 and 349 (14) of Madras City Municipal Corporation Act. In the same report, the officer has mentioned the following defects.

> "(1) There is no drainage arrangement. After renovation of the trade, since he has closed the existing line.
> (2) No water supply arrangements provided.
> (3) There is no fly proof door to prevent files and other insects.
> (4) There is no screed board to prevent carcasses from the public view.
> (5) There is no exhaust fan arrangements.
> (6) Butchers Medical Certificate has not been obtained from Corporation Medical Officers."

4. The report further shows that based on the aforesaid violations, the Corporation served notice to the appellant on 26.03.2007 under Sections 309 and 349 (14) of CCMC Act giving him seven days time for compliance. It is also stated that if the defects pointed out are not rectified within the time stipulated, further action will be taken for closing the trade.

5. According to the learned counsel for the appellant, those defects have been rectified by the appellant. In such circumstances, it is for the first respondent to verify and if it is satisfied that there is no violation or deviation of the statutory provisions, the first respondent is free to grant licence, otherwise pass appropriate orders.

6. With the above direction, the writ appeal is disposed of. No costs. Consequently, WAMP No.6616 of 2003 is closed.

raa

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

+ 1 cc to Mr. AL. Ganthimathi, Advocate, SR No.21486

+ 1 cc to Mr. V. Bharathidasan, Advocate, SR No.21314

W.A.No.4021 of 2003

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